

REMARKS

The Applicant respectfully requests entry of the above amendment and reconsideration in view of the amendment and the following remarks.

The status of the claims in the above-identified application is as follows. Claims 1-19 and 21 are canceled, claims 20 and 22-34 are pending, and claims 23-34 are withdrawn from consideration. Claims 40 and 52 are canceled herein. Claims 35-66 were previously added. Claims 67-73 are herein added. Thus, claims 20, 22, 35-39, 41-51 and 53-73 remain pending.

Claims 45-47 and 60-62 are objected to. Said claims have been rewritten into independent format in order to comply with the Examiner's statements. Said claims should now be in condition for allowance.

Claims 20, 22, 35-44, 48-59 and 63-66 are rejected under 35 U.S.C. §103(a) as being unpatentable over the Bosch marketing material submitted in an IDS dated June 25, 2002 in view of De Stoutz (U.S. Patent Number 3,934,042). Further, claim 56 is rejected under 35 U.S.C. §103(a) as being unpatentable over Bosch in view of De Stoutz, and further in view of B. Poole (U.S. Patent Number 2,491,015).

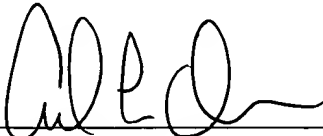
The above stated rejections under 35 U.S.C. §103(a) are respectfully traversed in that the combination cited by the Examiner (i.e., Bosch with De Stoutz) does not anticipate the claims. The combination of Bosch and De Stoutz does not teach, or suggest, all of the elements of the claims, as required under 35 U.S.C. §103(a). Specifically, Bosch does not teach, or suggest, "wherein the disinfecting is with **hot atomized** hydrogen peroxide," as disclosed in claim 20, as amended. Nor does Bosch teach, or suggest, "wherein the means for aseptically disinfecting the bottles further includes means for disinfecting an interior of the bottles with a **hot atomized** hydrogen peroxide". To the contrary, Bosch only mentions "flushing the bottles [] with an H₂O₂ mixture" (See page 2, column 2). Further, De Stoutz does not remedy the glaring deficiencies in the Bosch marketing material. The rejections of independent claims 20 and 22 are improper and should be withdrawn and the claims be allowed. Dependent claims 35-39, 41-51 and 53-73, which depend therefrom should likewise be allowed.

The Applicant respectfully further traverses the rejection of dependent claims 65 and 66 in that the cited combination (i.e., Bosch and De Stoutz) does not disclose each and every element of the cited claims, as is required by 35 U.S.C. §103(a). The Examiner states in the Office Action “[r]egarding claims 65 and 66: Bosch discloses that the bottles are in an upright position during disinfecting, see the Figs.” (emphasis added). Respectfully, the Examiner’s allegation is wholly without merit, because the figures and language of Bosch both clearly, and unequivocally, show and state the exact opposite bottle configuration during disinfecting from what the Examiner alleges. The second sentence, on page 2, of the Bosch marketing pamphlet states: “The container are sterilized in upside-down position in several parallel rows.” (emphasis added). Also, the cut-away view figure, on page 1 of Bosch, clearly also disclose this sterilization convention (i.e. bottles that are sterilized while upside-down, and not upright, as in the present invention). The figures in the lower right corner, on page 2, and on page 3, further buttress this contrary bottle position. Further, it is not an obvious variation in bottle configuration between Bosch and the cited claims while *inter alia* still maintaining the claimed disinfecting rates. Bosch does not disclose, teach, or suggest, “wherein the bottles are in an upright position during disinfecting,” as disclosed in claims 65 and 66. The rejection should be withdrawn and the claims should be allowed.

CONCLUSION

If the Examiner believes that anything further is necessary in order to place the application in better condition for allowance, the Examiner is requested to contact Applicant’s undersigned representative at the telephone number listed below.

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